

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 6-18-15  
(abridged for publication)

Mayor Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Eric Delker, Erika Isley, Kyle Jackson, Tom Greteman and Jaki Livingston. (RC = roll call vote)

Mayor Phillips noted that “consideration of proposed resolution establishing the placement of a persons with disabilities on-street parking space in the 800 block of Main Street” has been removed from the agenda. Also that “consideration of proposed resolution approving an updated 28E for mutual aid assistance for Polk County Fire/Rescue services” and “discussion item related to a possible, future noise ordinance” have been added to the agenda.

15-103 Livingston moved, Isley seconded to approve the **agenda** as amended. Voice vote carried unanimously.

15-104 Greteman moved, Isley seconded to approve **minutes** of June 4<sup>th</sup> regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; **cigarette permit renewals** – Casey’s #2568 & #3422, Dollar General, Fareway, Git N Go, Kum & Go # 28 & #240, Scott’s and Warrior Run; **liquor license** – Party Before the Works on July 3<sup>rd</sup>; **block parties** – 1000 block of Rolling Hill Court on June 20<sup>th</sup> and 2600 block of Vista Court on July 17<sup>th</sup>; **appointment** of Elizabeth Thompson to the Norwalk Easter Public Library Board of Trustees, **re-appointment** of Chad Stevens to the Board of Adjustment and **re-appointment** of Jim Huse and Robin Wagner to the Planning and Zoning Commission; **bid for salt**; monthly department **reports** and treasurers report and **expenditures**:

AGRILAND FS, INC	TURF	2,704.00	MARY JANE SHARP	CLASSES	1,656.20
AJM GROUP	BACKFLOW POOL	110.00	MONICA HEGLAND	REFUND REDCROSS	165.00
AMANDA LUNDSTEDT	CLASSES	128.13	NORWALK LIONS CLUB	JULY FIREWORKS	7,293.00
ASI	TRASH SERVICE	50.00	NORWALK POSTMASTER	POSTAGE	1,282.83
DM WATER WORKS	DMWW	31,081.26	OLIVIA LUCAS	REIMBURSE SUIT	25.00
FARNER-BOCKEN	CONCESSIONS	1,323.04	PAPER FREE TECH	LF UPGRADE	6,190.00
FEH ASSOCIATES INC	ROOF ASSESSMENT	4,509.38	POOL TECH INC.	REPAIRS/SUPPLIES	599.81
HIREQUALITY SOLUTIONS	TEMP	148.00	SCHWAN'S SALES INT	CONCESSIONS	872.89
IA CUBS SPORTS TURF	JOX BOX MCANICH	9,240.00	SHANNAN BELDEN	REIMBURSE	24.99
IOWA SIGNAL INC	HWY 28 COLONIAL	4,393.00	THE CUTTING EDGE	AERIFYING FIELDS	6,000.00
KRIS WARREN	CLASSES	62.50	THE GRAPHIC EDGE	UNIFORMS	291.40

15-105 Livingston moved, Greteman seconded to approve **consent** agenda passed unanimously, RC.

15-106 Greteman moved, Isley seconded to pass the first, of three readings, of **proposed ordinance** amending the official zoning map of the City of Norwalk, Iowa, by rezoning property located at 8288 Adams Street from A-R, Agricultural Reserve, to RE-1, Rural Estates Residential passed unanimously, RC.

15-107 Greteman moved, Jackson seconded to pass the first, of three, readings of **proposed ordinance** rezoning property at the Old School Site from R-1, Single Family Residential, to R-2, One and Two-family Residential. Motion failed with Delker and Isley voting nay.

15-108 Livingston moved, Greteman seconded to adopt **Resolution 0618-15-051** approving the Village on the Ridge Preliminary Plat passed unanimously, RC.

15-109 Greteman moved, Livingston seconded to approve **Resolution 0618-15-052** setting date for additional action on proposal to enter into General Obligation Library Improvement Loan Agreement and to borrow money thereunder passed unanimously, RC.

15-110 Livingston moved, Greteman seconded to approve **Resolution 0618-15-053** ordering construction, approving preliminary plans and fixing date for hearing and taking bids for improvements known as of Norwalk Public Library Roof Replacement project passed unanimously, RC.

15-111 Greteman moved, Livingston seconded to adopt **Resolution 0618-15-054** approving a supplemental 28E agreement with the Iowa Department of Transportation for snow removal on 18 lane miles of Highway 28 passed unanimously, RC.

15-112 Jackson moved, Isley seconded to remove change order policy from the table passed unanimously, RC.

15-113 Greteman moved, Isley seconded to adopt **Resolution 0618-15-55** approving Capital Improvement Project Policy with changes presented and as amended passed unanimously, RC.

15-114 Livingston moved, Delker seconded to adopt **Resolution 0618-15-56** approving an updated 28E for mutual aid assistance for Polk County Fire/Rescue services passed unanimously, RC.

15-115 Greteman moved, Jackson seconded to **adjourn** meeting at 7:32 p.m. Voice vote carried unanimously.

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Tom Phillips, Mayor

Attest:

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Jodi Eddleman, City Clerk

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 6-18-15  
(unabridged version)

Mayor Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Eric Delker, Erika Isley, Kyle Jackson, Tom Greteman and Jaki Livingston. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Dustin Huston, Fire Chief; Nancy Kuehl, Parks and Recreation Director; Greg Staples, Police Chief and Wade Wagoner, Planning and Economic Development Director.

Mayor Phillips noted that “Consideration of proposed resolution establishing the placement of a persons with disabilities on-street parking space in the 800 block of Main Street” has been removed from the agenda. He added that “Consideration of proposed resolution approving an updated 28E for mutual aid assistance for Polk County fire and rescue services” and “Discussion item related to a possible, future noise ordinance” have been added to the agenda.

15-103 Livingston moved, Isley seconded to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation(s)

Chief Staples introduced Lilly Dunlap, the new City of Norwalk Police Officer. She will begin the academy in August. She has a degree in Criminal Justice and did an intern with Homeland Security.

Director Kuehl introduced new Parks and Recreation employee, Jeff George. Jeff came from Burlington and is the Aquatic Recreation Supervisor. He is headed to pool school on Tuesday and Wednesday to get certified. He has a degree in Recreational Administration and Tourism.

Welcome of Guests and Public Comment

There were none.

15-104 Greteman moved, Isley seconded to approve **minutes** of June 4<sup>th</sup> regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; **cigarette permit renewals** – Casey’s #2568 & #3422, Dollar General, Fareway, Git N Go, Kum & Go # 28 & #240, Scott’s and Warrior Run; **liquor license** – Party Before the Works on July 3<sup>rd</sup>; **block parties** – 1000 block of Rolling Hill Court on June 20<sup>th</sup> and 2600 block of Vista Court on July 17<sup>th</sup>; **appointment** of Elizabeth Thompson to the Norwalk Easter Public Library Board of Trustees, **re-appointment** of Chad Stevens to the Board of Adjustment and **re-appointment** of Jim Huse and Robin Wagner to the Planning and Zoning Commission; **bid for salt**; monthly department **reports** and treasurers report and **expenditures**:

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15-105 Livingston moved, Greteman seconded to approve **consent** agenda, passed unanimously, RC.

### **Public Hearing and Consideration - 8288 Adams Street**

Phillips opened the public hearing at 6:07 p.m. Eddleman reported the city received no written or oral comment. With no one present wishing to speak, Phillips closed the public hearing at 6:08 p.m.

Greteman asked if this is a spot zone. Wagoner said he does not believe it is a spot zone because there are a number of rural estates to the west. Many of the lots are legal, non-conforming agriculture lots because they are not 40 acres. Greteman asked if the lots across the street are rural estates. Wagoner said no, they are zoned agriculture, but they are not in conformance with our zoning because they are not large enough.

Greteman said as the city looks forward, the city is trying to avoid a house sitting on 20 acres, next to a house sitting on 40 acres, next to a house sitting on 10 acres; when the comprehensive plan was put in place, the city considered low density to be one house for every 40 acres, not one for every acre.

15-106 Greteman moved, Isley seconded to pass the first, of three readings, of proposed ordinance amending the official zoning map of the City of Norwalk, Iowa, by rezoning property located at 8288 Adams Street from A-R, Agricultural Reserve, to RE-1, Rural Estates Residential, passed unanimously, RC.

### **Public Hearing and consideration - Old School Site**

Phillips opened the public hearing at 6:12 p.m. Eddleman reported the city received no written or oral comment. Livingston asked about the petition from the adjacent property owners. Oliver explained the petition was received by the Planning and Zoning Commission and was already part of the record. There have been no written or oral comments to add to the record.

Brad Cooper, 475 South 50th, West Des Moines, presented a map of "Outlot Z" and a copy of his plan that is a 1,250 square foot, two bedroom, two bath duplex. This is a replica of a unit being built in Grimes right now, except they do not have basements. This layout addresses the dirt on the site. He would like to start with the first two units on Main Street. Cooper also presented a plan B if the rezone request is not approved.

Greteman asked if there is room to make the street a public street. Cooper said he did not think so. Livingston said she is opposed to a private road. Cooper said there would be no city responsibility and Livingston said that is actually the problem. Greteman added the challenge with private streets is the turnover in the property, then new owners do not know they are responsible for the street. Cooper said council would not be approving a private street tonight.

Livingston asked why he wished to pursue this plan that requires a zoning change rather than plan B. Cooper said he thinks this is an ideal plan for the property and there is a real need for this type of entry level housing.

Greteman asked why Cooper did not make the north side R-2, adjacent to existing R-2. Cooper said it is all related to the topography.

Livingston said she is trying to anticipate the questions and concerns that residents may have and asked if it is possible to limit the percentage of rentals. Cooper said in his opinion, it is a good use and he preserves all of the trees.

Myrna Barkley, 814 Pine Avenue, said she would be looking at the side and back yard of the duplexes. She took a petition around and had residents, that object to the rezoning, sign it.

Livingston asked if the residents object to the rentals and the closeness of the buildings. Barkley said they would rather have owner occupied housing. Livingston said there are quite a few houses that are rental properties. Barkley said that there would be fewer buildings. Livingston said there are 17 houses proposed in Plan B compared to 21 in Plan A.

Greteman said the real argument underneath the surface is that residents wanted to preserve green space and they really do not want anything there.

Paul Barkley, 814 Pine Avenue, said he has lived there since 1957. Pine is a 28-foot narrow street and when school lets out at Oviatt Elementary, there is heavy traffic. He added that It is old Norwalk and change is hard to come by; 50-foot lots versus 72-foot lots make him against the plan. Jackson noted that they would be 60-foot lots.

Livingston said looking at Plan B, with 17 buildings, it feels even more crowded than the duplex proposal in Plan A. She then asked if P. Barkley was opposed to any development and he said yes, but he knows it will change. Livingston asked whether he would prefer Plan A or Plan B and he answered Plan B because of the narrow street and no sidewalks.

Greteman said the issue of sidewalks in old Norwalk has been talked about many times and an option would be to have the homeowners put them in.

Elizabeth Tilton, 820 Pine Avenue, said the street would run into her front yard. She said that she prefers it stay a green space, but realizes that is not going to happen. Her concern is with how snow is disposed of during winter months. She has had to call about snow banks being plowed into their front yard and has concerns with the density as presented and referenced in Plan B.

Jackson stated if the council doesn't approve the rezone request, Plan B could be built today without the council doing anything.

Tilton hopes that houses are built that are aesthetically pleasing to the neighborhood. Greteman asked Cooper how much the duplexes would sell for and he said \$170,000 each, if they were sold. Greteman asked what the rent would be and Cooper said \$1,250. Greteman added that Bristol Street has duplexes that look very nice.

P. Barkley asked what makes the developer build what has been presented if this is passed. Greteman said every site plan has to be approved by council. Livingston asked if council can qualify the rezone and Jackson said the plan is the maximum that can be built.

Jackson said the thought is, if council approves the rezoning, the council has more authority over how things look. If council does nothing, it can be developed without any input from Planning and Zoning or City Council.

Livingston asked about some kind of secure storm shelter. Cooper said the first two would be slab on grade with no storm shelters. Livingston asked about sidewalks and Cooper said there would be five-foot sidewalks installed around the entire site, per the City Code.

Phillips closed the public hearing at 6:45 p.m.

Jackson said he appreciates everyone speaking on the subject and the recommendation from Planning and Zoning. He feels seven single family homes versus five duplexes are not significantly different and the plan is harmonious. He also likes that it would mean that there would be additional oversight by Planning and Zoning and City Council. He thinks it will look very nice and be attractive to the neighborhood.

Phillips noted the proposed ordinance needs four votes to pass because of petition filed by the citizens.

15-107 Greteman moved, Jackson seconded to pass the first, of three, readings of proposed ordinance rezoning property at the Old School Site from R-1, Single Family Residential, to R-2, One and Two-family Residential. Motion failed with Delker and Isley voting nay.

### **Village on the Ridge Preliminary Plat**

15-108 Livingston moved, Greteman seconded to adopt **Resolution 0618-15-051** approving the Village on the Ridge Preliminary Plat passed unanimously, RC.

### **Norwalk Public Library Roof Replacement**

Oliver presented information showing the process for doing a short-term loan for the library roof. She noted that the current debt service levy is \$3.95955 per thousand dollars of taxable valuation. The projected FY17 debt service levy without such a loan would be \$3.33614; with a short-term loan for the library roof the amount would be \$3.94807. The general obligation on the debt service levy is currently \$1,524,126 and that would go to \$1,335,715 in FY17 without the short-term loan added. After adding the short-term loan, the difference in the amount of debt service on the levy rate would be \$56,589 more than in FY 2016, but the projected valuation growth would offset the increase, leading to a stable levy.

15-109 Greteman moved, Livingston seconded to approve **Resolution 0618-15-052** setting date for additional action on proposal to enter into General Obligation Library Improvement Loan Agreement and to borrow money thereunder passed unanimously, RC.

15-110 Livingston moved, Greteman seconded to approve **Resolution 0618-15-053** ordering construction, approving preliminary plans and fixing date for hearing and taking bids for improvements known as of Norwalk Public Library Roof replacement passed unanimously, RC.

### **Highway 28 Snow Removal**

15-111 Greteman moved, Livingston seconded to adopt **Resolution 0618-15-054** approving a supplemental 28E agreement with the Iowa Department of Transportation for snow removal on 18 lane miles of Highway 28 passed unanimously, RC.

### **Capital Improvement Project Policy**

15-112 Jackson moved, Isley seconded to remove from the table passed unanimously, RC.

Dougherty reviewed the proposed policy. He said the first two modifications are regarding when the council would first see changes, such as when quantities needed to be adjusted or if there is a change to the plan. Paragraph C is the section that deals with administrative changes. There would be two criteria for use of administrative changes and defines what those are; changes would be limited to \$20,000 or 10% of the project.

Greteman thinks the City Manager should be the person who approves the administrative change, or the Finance Director in the City Manager's absence.

15-113 Greteman moved, Isley seconded to adopt **Resolution 0618-15-55** approving Capital Improvement Project Policy with changes presented and as amended passed unanimously, RC.

#### **Mutual Aid Assistance for Polk County Fire/Rescue**

15-114 Livingston moved, Delker seconded to adopt **Resolution 0618-15-56** approving an updated 28E for mutual aid assistance for Polk County Fire/Rescue services passed unanimously, RC.

#### **Noise Ordinance Discussion**

Delker asked who decides what unreasonable distress is. Livingston said a jury.

Dougherty said that there have recently been several issues related to noise, such as motor bikes and outdoor music and the city has looked at other suburbs' ordinances.

Greteman said in a town as small as Norwalk, when uses sit on top of each other, the ordinance has to preclude any public or private racetrack without a permit. He said a resident cannot build a racetrack anywhere in this city without hearing it. The issue with the current racetrack is that it is across the street and four houses up, and on a Sunday when there were several bikes running, he had to turn his television up with the windows closed. The city needs to have an ordinance that addresses racetracks and require a permit from the City Council. Livingston asked if anyone would be able to run four-wheelers up and down the lake in the winter when the lake is frozen.

Dougherty said we are looking at a noise ordinance to cover more than just motorcycle racing. It would be difficult to define what a track is. Perhaps council addresses unmuffled motors. Greteman said if you bring in that much dirt or lay asphalt, you are building a track; and to construct any kind of formal track, you need a permit from council.

Dougherty said that there are some codes that deal with decibel meters and we want to avoid that and so does the Police Chief. An idea would be to limit how far away you can hear something. Livingston said the school will have to turn the loudspeaker down at the football games; it is hard to legislate out the exceptions.

Isley added that she should not be able to hear a band, playing at a bar a mile and a half away, at her house.

Greteman is not trying to outlaw noise, but before the police went to this house, the bikes ran for 8 or 9 hours per day for 13 days.

#### **Update regarding NCIS projects**

Hoskins said the new sewer on Wakonda is going in approximately two weeks from now. They have finished with relocation of fire hydrants on Happy Hollow. They will then do restoration work.

On Holly, right now they are making the transition to the new water system. Once that is done and charged, it will have to cook for 48 hours and then will be tested for bacteria. Isley asked if the residents are without water and Hoskins said yes. Isley asked if they will be done by the weekend and Hoskins said they will be finished tonight. Hoskins added that they had delivered bulk water to the care center.

Jackson asked what NCIS projects are scheduled for 2016. Hoskins said that the current projects are for two years and the next large projects are included in the 2017 capital budget.

### Reports

Oliver provided information on engineering fees requested at the most recent council meeting.

Jackson thanked police and fire for quick response when he recently had a carbon monoxide detector go off.

Hoskins said they had a Metro Waste Authority board meeting this week regarding the bird flu issues. The DNR and the Feds are not following through with the plan they originally agreed to with the decontamination process. The director basically told the members that MWA may not follow through with any of the agreements. There is a bill sitting on the governor's desk that would indemnify the city. Scientists now think the virus has gone airborne.

Staples said Officers Criswell and Lewiston will debut on their bicycles Saturday, at the Lakewood Kids Parade. He submitted the COPS grant today.

Kuehl said the pool is day by day. She said the Sylvester family purchased a swing for Brownie Park and it will be unveiled at Jazz in July.

15-115 Greteman moved, Jackson seconded to **adjourn** meeting at 7:32 p.m. Voice vote carried unanimously.

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Tom Phillips, Mayor

Attest:

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Jodi Eddleman, City Clerk